

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, January 26, 2017 1:00 PM
To: 'marchione@nysenate.gov'; 'kaminsky@nysenate.gov'; 'cronin@nysenate.gov'; 'jordan@nysenate.gov'; 'hmeyers717@gmail.com'; 'mcurley@nysenate.gov'
Cc: 'pboyle@nysenate.gov'; 'brooks@nysenate.gov'; 'carlucci@nysenate.gov'; 'latimer@nysenate.gov'; 'murphy@nysenate.gov'; 'Ortt@nysenate.gov'; 'ritchie@nysenate.gov'; 'Peter Loughran'; 'cyoung@nysenate.gov'; 'lkrueger@senate.state.ny.us'; 'farrellh@nyassembly.gov'; 'OaksR@nyassembly.gov'; 'Peter Loughran'; 'mallison@nysenate.gov'
Subject: Oversight by Senate Committee on Local Government, beginning with the striking of the \$4,212,000 D.A. salary grants in Aid to Localities Budget Bill S.2003 (at p. 61)
Attachments: aid-to-localities-2017-2018.pdf; aid-to-localities-2016-2017.pdf

TO: Senate Committee on Local Government

Chairwoman Marchione

Ranking Member Kaminsky

Rank & File Members: Boyle, Brooks, Carlucci, Latimer, Murphy, Ortt, Ritchie

This follows up my communications with most of your offices last June regarding state reimbursement to the counties for district attorney salary increases resulting from increases in judicial salaries.

The failure of the Committee to discharge its oversight responsibilities at that time (<http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/leg-oversight-over-das.htm>) – and the failure of any other legislative committee to discharge oversight responsibilities -- has resulted in a situation where with the exception of the five counties of New York City and Hamilton County – the state's least populous county, whose district attorney is part-time – the district attorneys of the other 56 counties are the HIGHEST PAID elected county officers by many, many tens of thousands of dollars. Upon information and belief, any number of these district attorneys enjoy exorbitant salary and non-salary compensation of approximately \$220,000 per year, including in upstate and far western counties, where cost-of-living and median income is low. This is the direct result of:

- (1) the 40 year-old statute, Judiciary Law §183-a, linking the district attorney salaries of various counties, which are paid by the counties, to judicial salaries, which are paid by the state;
- (2) County Law §700.10 and §700.11, providing for state reimbursement to the counties of a portion of the increased district attorney salary costs resulting therefrom;
- (3) the Governor's Aid to Localities budget bills, whose appropriations for grants for district attorney salaries not only violate County Law §700.10 and §700.11, but Judiciary Law §183-a, as well.

These issues are presented (at ¶¶4, 31-33, 65, 79-80) of the September 2, 2016 verified complaint in CJA's second citizen-taxpayer action against the Governor and Legislature, among others. Its culminating 10th cause of action (¶¶85-110) particularizes the unlawfulness and unconstitutionality of the appropriation and reappropriation of state monies for district attorney salaries in the enacted Aid to Localities budget bill for fiscal year 2016-2017 -- #S.6403-d/A.9003-d.

The September 2, 2016 verified complaint and the lawsuit record are posted on CJA's website, www.judgewatch.org, accessible from the prominent homepage link "CJA's Citizen-Taxpayer Actions to End NYS' Corrupt Budget 'Process' and Unconstitutional 'Three Men in a Room' Governance." As two of the Committee's nine members are lawyers – Ranking

Member Kaminsky and Senator Boyle -- the Committee has legal expertise from which to independently confirm what the other 7 non-lawyer members can readily discern from the lawsuit record: plaintiffs' entitlement to summary judgment on their 10th cause of action, *as a matter of law* – and, likewise, to summary judgment, *as a matter of law*, on the predecessor nine causes of action – necessitating swift legislative action, beginning with the striking of the \$4,212,000 appropriation in this year's Aid to Localities Budget Bill #S.2003/A.2003 (at p. 61) "For grants to counties for district attorney salaries" – an appropriation materially identical to that challenged by the 10th cause of action.

I have requested to testify in opposition to Aid to Localities Budget Bill #S.2003/A.3003 at the Legislature's January 30th budget hearing on "Local Government Officials/General Government" – and look forward to answering the Committee's questions at that time. However, I am available before then and would welcome the opportunity to speak directly with Chairwoman Marchione, Ranking Member Kaminsky, and any of the Committee's other seven members in advance of the budget hearing – all of whom I am furnishing this e-mail with that invitation. For the convenience of all, and for the chairs and ranking members of the Senate Finance Committee and Assembly Ways and Means Committee, to whom I am also furnishing this e-mail, the pertinent \$4,212,000 appropriation from this year's and last year's Aid to Localities budget bills are attached.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200